

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JACOB STADFELD,

ORDER

Petitioner,

v.

16-cv-577-bbc
08-cr-138-bbc

UNITED STATES OF AMERICA,

Respondent.

Petitioner Jacob Stadfeld has moved for post conviction relief under 28 U.S.C. § 2255, contending that he is entitled to a two-point reduction in his sentence in light of the 2015 amendments to the commentary to U.S.S.G. § 3B1.2 and a recent case in the Ninth Circuit Court of Appeals, United States v. Quintero-Leyva, 823 F.3d 519 (9th Cir. 2016).

The motion must be denied because it is the second motion for post conviction relief that petitioner has filed under § 2255 and he has not obtained the necessary certification for filing. Before filing a second or successive motion, a person in petitioner's position must obtain certification from a panel of the Court of Appeals for the Seventh Circuit that the motion contains "newly discovered evidence that, if proven and viewed in light of the evidence as a whole would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense" or that the motion is based on "a new rule of constitutional law made retroactive to cases on collateral

review by the Supreme Court, that was previously unavailable.” 28 U.S.C. § 2255(h).

ORDER

IT IS ORDERED that petitioner Jacob Stadfeld’s motion for post conviction relief under 28 U.S.C. § 2255 is DENIED because he has not obtained the necessary certification under 28 U.S.C. § 2255(h) from a panel of the Court of Appeals for the Seventh Circuit.

Entered this 22d day of August, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge